

FRIDAY, APRIL 7, 1911.

The Senate met pursuant to adjournment.

The President in the chair.

The roll being called, the following Senators answered to their names:

Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Culpepper, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hosford, Hudson, Humphries, Johnson, L'Engle, Malone, Massey, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Stokes, Williams, Wilson, Withers, Zim,

A quorum present.

Prayer by the Chaplain.

Mr. Johnson moved that the reading of the Journal be dispensed with.

Which was agreed to.

INTRODUCTION OF RESOLUTIONS.

Mr. Williams offered the following resolution—

Senate Concurrent Resolution No. 2:

Be it resolved by the Senate, the House of Representatives concurring, That a committee of five, consisting of two members of the Senate and three members of the House of Representatives, be appointed by the President of the Senate and the Speaker of the House of Representatives respectively, to visit and inspect the progress and conditions of the work of reclaiming the Everglades, now being carried on by the Trustees of the Internal Improvement Fund, and to make a report of the conditions of said work, the condition of the Everglades, including the drained and undrained portions, the area actually drained, the area partially drained, and the area contemplated to be drained, and the area, if any, not contemplated in the present drainage plans; also to report the number, size, width, depth and length of canals now completed, and also the number, length, width and depth of those in course of construction and the portion of each completed, and the work done on any incomplete portions, and the number, length, width and depth of those contemplated and not yet begun; also the costs up to the present time in money and lands and the estimated costs to complete those under construction and the esimated

costs of those contemplated; also the value of the reclaimed lands as to money, valuation and any other matter, thing or fact concerning the same of value, importance or useful information; and also to visit, inspect and report concerning the Florida Canal between St. Johns River and Biscayne Bay, and in said report to include a description of said canal and its conditions and usefulness and cost of construction.

Which went over under the rules.

Mr. Hosford offered the following Resolution—

Senate Concurrent Resolution No. 3:

Be it resolved by the Senate, the House of Representatives concurring, That a committee of five, to be composed of two from the Senate and three from the House of Representatives be appointed to visit and examine into the condition and administration of the Florida Hospital for the Insane, at Chattahoochee, and report their findings thereon to the Legislature.

Which went over under the rule.

Mr. Dayton offered the following resolution—

Senate Concurrent Resolution No. 4:

Whereas, It appears from the investigation recently conducted by the United States, that polygamy still exists in certain places in the United States, notwithstanding prohibitory statutes enacted by the several States thereof, and,

Whereas, The practice of polygamy is generally condemned by the people of the United States, and there is a demand for the more effectual prohibition thereof by placing the subject under Federal jurisdiction and control, at the same time reserving to each State the right to make and enforce its own laws relating to marriage and divorce; now, therefore, be it

Resolved (the House of Representatives concurring), That application be and is hereby made to Congress under the provisions of Article 5 of the Constitution of the United States for the calling of a Convention to propose an Amendment to the Constitution of the United States, whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, That the Legislature of all other States of the United States, now in session or when next convened, be and they are hereby respectfully requested to join in this application by the adoption of this or an equivalent resolution.

Resolved Further, That the Secretary of State be and is hereby directed to transmit copies of this resolution to the Senate and House of Representatives of the United States, and to the several members of said bodies representing the State of Florida therein; also to transmit copies thereof to the Legislatures of all other States of the United States.

Which went over under the rule.

Mr. McMullen offered the following resolution—

Senate Concurrent Resolution No. 5:

Resolved, That a committee of three, one on the part of the Senate and two on the part of the House, be appointed to visit the drainage operations of the State on the west side of Lake Ockeechobee, examine and report on the same.

Which went over under the rule.

Mr. Malone offered the following resolution—

Senate Concurrent Resolution No. 6:

Resolved by the Senate, the House of Representatives concurring, That a committee of five, two from the Senate and three from the House, be appointed to visit the University of Florida, the College for Women, the School for the Blind and Deaf and the Colored School, and to investigate the needs and management of said institutions, and report back to the Legislature, with such recommendations as the conditions may warrant.

Which went over under the rule.

Mr. Miller offered the following resolution—

Concurrent Resolution No. 7:

Be it resolved by the Senate, and the House of Representatives concurring, That a committee of three, one from the Senate and two from the House, be appointed by the President of the Senate and Speaker of the House of Representatives, respectively, to confer with the Governor and members of his cabinet, and to inspect the capitol building and grounds and make report to the Legislature

of the appropriate and necessary additions and repairs thereto and the probable cost thereof.

Which went over under the rule.

Mr. Perkins offered the following resolution—

Senate Resolution No. 7:

Resolved, That the following committee jointly may employ one clerk to do the work for these committees:

Public Roads and Highways.

Public Health.

County Organizations.

Corporations.

Public Printing.

Which was read and referred to the Committee on Legislative Expenses.

Mr. McCreary offered the following resolution—

Senate Resolution No. 8:

Resolved, That the United States mail authorities be, and they are hereby requested, to put special mail pouches, or packages, on the mail trains coming into Tallahassee during the remainder of the session of the Legislature, in which pouches or packages shall be put by the railway mail clerks all mail addressed to the members of the Legislature and attaches of either house, and that said mail pouches or packages be delivered from the Tallahassee postoffice by the postmaster thereof to the Messengers of the Legislature immediately upon their arrival at said postoffice.

Resolved further, That the Secretary of the Senate forward a copy of this resolution by telegraph to the Superintendent of the United States Railway Mail Service, at Atlanta, Ga.

Mr. McCreary moved to adopt the resolution.

Which was agreed to.

INTRODUCTION OF BILLS.

By Mr. Zim—

Senate Joint Resolution No. 1:

A joint resolution proposing an amendment to Section one (1) of Article Sixteen (XVI) of the Constitution of the State of Florida, relating to the seat of government.

Which was read the first time by its title and referred to the Committee on Constitutional Amendments.

By Mr. Broome—

Senate Bill No. 2:

Bill to be entitled An Act relating to the liability of persons, association or persons, or corporation having a relief department for its employes, and to persons, associations of persons or corporations that contribute money or other thing of value to any relief society or association for the benefit of employes.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. Broome—

Senate Bill No. 3:

A Bill to be entitled An Act to amend Section four (4) of Chapter 5984 of the Laws of Florida, Acts of 1909, being entitled An Act to organize a county court in and for the County of Gadsden; to prescribe the term thereof, and to provide for the appointment of a prosecuting attorney, and for his compensation and for that of the judge of the said court.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. Flournoy—

Senate Bill No. 4:

A Bill to be entitled An Act providing for taxation of and fixing the rate of taxation of inheritances, devises, bequests, legacies and gifts, and providing for the manner of payment as well as the manner of enforcing payment thereof, and penalty for violation of provisions of this Act.

Which was read the first time by its title and referred to the Committee on Finance and Taxation.

By Mr. Flournoy—

Senate Bill No. 5:

A Bill to be entitled An Act to provide for the acquisition of a site and the erection, building and furnishing of a building thereon for the use of the Supreme Court of the State of Florida, the Railroad Commission of the State of Florida and for a library, and making appropriations for the same and other purposes appertaining thereto.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Flournoy—

Senate Bill No. 6:

A bill to be entitled an act providing for the co-education of persons of the same race in all of the universities, colleges and schools of this State.

Which was read the first time by its title and referred to the Committee on Education.

By Mr. Flournoy—

Senate Bill No. 7:

A bill to be entitled an act relating to the liability of common carriers to their employes in certain cases.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Flournoy—

Senate Bill No. 8:

A Bill to be entitled An Act regulating the trial of minors, not married, in all courts, including municipal courts of this State.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Flournoy—

Senate Bill No. 9:

A Bill to be entitled An Act defining the criminal jurisdiction of county judges.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Flourney—
Senate Bill No. 10:

A Bill to be entitled An Act to extend the jurisdiction of the process of the Mayor's or Municipal Courts and of city and town marshals and deputy marshals of the municipalities of the State of Florida.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Flourney—
Senate Bill No. 11:

A Bill to be entitled An Act disqualifying certain persons from sitting as jurors in the trial of certain cases, and prescribing a rule of evidence therein.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Broome—
Senate Bill No. 12:

A Bill to be entitled An Act to validate the Acts of the Boards of County Commissioners of the several counties of this State, in drawing warrants on the general revenue fund of the county, in payment for expenses incurred for road or bridge purposes and of validating such warrants.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. Broome—
Senate Bill No. 13:

A Bill to be entitled An Act to authorize the County Commissioners of any county of this State to use for any special county purpose the surplus money in the fund raised for general county purposes.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. Davis—
Senate Bill No. 14:

A Bill to be entitled An Act to regulate the sale or furnishing of intoxicating liquors, wines or beer and prescribing a penalty for the violation of certain of its provisions.

Which was read the first time by its title and referred to the Committee on Temperance.

By Mr. Zim—

Senate Bill No. 15:

A Bill to be entitled An Act providing for the establishment of a Bureau of Labor Statistics and the appointment of a commissioner.

Which was read the first time by its title and referred to the Committee on Organized Labor.

By Mr. Zim—

Senate Bill No. 16:

To license and regulate the running of automobiles, locomobiles and other vehicles and conveyances whose motive power is other than animal power, along and over public highways of this State; to provide for the registration of the same; to provide uniform rules regulating the use and speed thereof and to prescribe penalties for the violations of said rules and regulations and for the licensing of chauffeurs and to repeal An Act entitled An Act to regulate the running of automobiles, locomobiles and other vehicles and conveyances whose motive power is other than animals, along and over the public highways of this State; to provide for the registration of the same; to provide uniform rules regulating the use and speed thereof, and to prescribe for the violation of said rules.

Which was read the first time by its title and referred to the Committee on Finance and Taxation.

By Mr. Johnson—

Senate Joint Resolution No. 17:

A Joint Resolution proposing an amendment to Section 5, Article VIII of the Constitution of the State of Florida, relative to the County Commissioners and County Commissioners' Districts of the several counties of this State.

Which was read the first time by its title and referred to the Committee on Constitutional Amendments.

By Mr. Johnson—

Senate Joint Resolution No. 18:

A Joint Resolution proposing an amendment to Sections 9 and 10 of Article XVIII of the Constitution of

the State of Florida relative to the holding of general election and the election of county officers.

Which was read the first time by its title and referred to the Committee on Constitutional Amendments.

By Mr. Johnson—

Senate Joint Resolution No. 19:

A Joint Resolution proposing an amendment to Section 6 of Article VIII of the Constitution of the State of Florida relative to county officers.

Which was read the first time by its title and referred to the Committee on Constitutional Amendments.

By Mr. Johnson—

Senate Bill No. 20:

A Bill to be entitled An Act to amend Sections 2996 and 2997 of the General Statutes of the State of Florida relative to negotiable instruments.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. Johnson—

Senate Bill No. 21:

A Bill to be entitled An Act prescribing a penalty for the sale of intoxicating liquors in counties and precincts voting against the sale of same, and to repeal Section 1 of Chapter 5690 of the Laws of Florida, Acts of 1907.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. Johnson—

Senate Bill No. 22:

A Bill to be entitled An Act dividing the State into eleven judicial circuits and fixing the territorial limits of each circuit.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. Williams—

Senate Bill No. 23:

A Bill to be entitled An Act to repeal Section 3320 of the General Statutes of the State of Florida relating to

obtaining money or property upon false promises to perform labor.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. Williams—

Senate Bill No. 24:

A Bill to be entitled An Act to repeal Section 2238 of the General Statutes of the State of Florida relating to exemptions from liens for rent.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. Williams—

Senate Bill No. 25:

A Bill to be entitled An Act to require common carriers of passengers to provide individual drinking cups.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. Williams—

Senate Bill No. 26:

A Bill to be entitled An Act to provide for attorney's fee in certain cases on appeal or writ of error.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. Williams—

Senate Bill No. 27:

A Bill to be entitled An Act to make mandatory at least one High School in each county of this State.

Which was read the first time by its title and referred to the Committee on Education.

By Mr. Williams—

Senate Bill No. 28:

A Bill to be entitled An Act to amend Section 3150 of the General Statutes of the State of Florida relating to liability of railroads for injuries to employes.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. McLeod—

Senate Bill No. 29:

A Bill to be entitled An Act to repeal Chapter 5957 of the Laws of Florida, the same to be entitled An Act to prohibit the sale or giving away of certain narcotics and providing a penalty for violations of the provisions thereof.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Hosford—

Senate Bill No. 30:

A Bill to be entitled An Act to amend Section 1 of Chapter 5900 of the Laws of Florida, entitled "An Act to amend Section 1586 of the General Statutes of the State of Florida as amended by Chapter 5647 of the Acts of 1907, the same being relative to the pay of jurors." Approved May 18, 1909.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Hosford—

Senate Bill No. 31:

A Bill to be entitled An Act to amend Sections 1293 and 1295 of the General Statutes of the State of Florida, relating to the powers and duties of Pilot Commissioners.

Which was read the first time by its title and referred to the Committee on Commerce and Navigation.

By Mr. Sloan—

Senate Bill No. 32:

A Bill to be entitled An Act to prohibit bets or wagers upon the result of any trial or contest of skill, speed, or power of endurance of man or beast, and to prohibit any person from receiving anything of value, bet or wagered upon any such result, and to prohibit any person from becoming the custodian or depository of any money or other thing, bet or wagered upon any such result, and forbidding any person from aiding, assisting or abetting any such acts, and repealing Section 3581 of the General Statutes of the State of Florida.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. McMullen—

Senate Bill No. 33:

A Bill to be entitled An Act to prevent the pollution of the streams and natural bodies of water of the State of Florida, and to prevent making any deposit of any substance therein which shall be destructive to the life of fish, or which shall effect the depth or navigability thereof.

Which was read the first time by its title and referred to the Committee on Game and Fisheries.

By Mr. McMullen—

Senate Bill No. 34:

A Bill to be entitled An Act to prescribe certain duties of registration officers.

Which was read the first time by its title and referred to the Committee on Privileges and Elections.

By Mr. McMullen—

Senate Bill No. 35:

A Bill to be entitled An Act to repeal section 187 of the General Statutes of the State of Florida, pertaining to the publication of list of the qualified voters preceding general elections.

Which was read the first time by its title and referred to the Committee on Privileges and Elections.

By Mr. McMullen—

Senate Bill No. 36:

A Bill to be entitled An Act to prescribe the compensation of county officers, the manner in which they shall be paid; to require them to file statements of receipts and disbursements of funds, and to provide for the disposition to be made of the fees collected by such officers in excess of their compensation, and to fix penalties for the violation of certain provisions of this act.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. McMullen—

Senate Bill No. 37:

A Bill to be entitled An Act to abolish the present registration of Hillsboro County and provide for a new registration.

Which was read the first time by its title and referred to the Committee on Privileges and Elections.

By Mr. McMullen—

Senate Bill No. 38:

A Bill to be entitled An Act to authorize and empower married women who have had their disabilities removed to execute deeds, conveyances, mortgages and other instruments affecting their real or personal property without the joinder of their husbands and to validate and confirm all such deeds, conveyances, mortgages and other instruments heretofore executed.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. Withers—

Senate Bill No. 39:

A Bill to be entitled An Act to amend section 378 of the General Statutes of the State of Florida, relating to pay of Grading Committee.

Which was read the first time by its title and referred to the Committee on Education.

By Mr. Dayton—

Senate Bill No. 40:

A Bill to be entitled An Act to amend section 4056 of the General Statutes of the State of Florida, and to repeal section 4055 of General Statutes.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Dayton—

Senate Bill No. 41:

A Bill to be entitled An Act to secure better attendance upon the public schools of the counties of this State.

Which was read the first time by its title and referred to the Committee on Education.

By Mr. McCreary—

Senate Joint Resolution No. 42:

Proposing an amendment to Article 12 of the Constitution of the State of Florida relative to education, to be known as Section 17 of said Article, providing for

the issuance of bonds by incorporate cities and towns, regular school districts and special tax school districts, for the exclusive use of public free schools within such city, town or school district, and authorizing the levy of a tax to create a sinking fund for the payment of the interest and redemption of such bonds.

Which was read the first time by its title and referred to the Committee on Constitutional Amendments.

By Mr. McCreary—

Senate Bill No. 43:

A Bill to be entitled An Act for the relief of the Newberry Stables Company.

Which was read the first time by its title and referred to the Committee on Claims.

By Mr. McCreary—

Senate Bill No. 44:

A Bill to be entitled An Act prescribing the method of serving process upon non-resident co-partners having an office or conducting a business in the State of Florida.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. McCreary—

Senate Bill No. 45:

A Bill to be entitled An Act to abolish the present Municipal Government of the town of Trenton, in the County of Alachua and State of Florida, and to establish, organize and constitute a Municipality, to be known and designated as the City of Trenton, and to define its territorial boundaries and to provide for its jurisdiction, powers and privileges, and for the exercise of same.

Which was read the first time by its title and referred to the Committee on Municipalities.

By Mr. Stokes—

Senate Bill No. 46:

A Bill to be entitled An Act relating to the compensation of attorneys-at-law providing a lien as security thereof, and providing a method for enforcing same.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Stokes—

Senate Bill No. 47:

A Bill to be entitled An Act permitting building and loan associations to increase their capital stock.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Stokes—

Senate Bill No. 48:

A Bill to be entitled An Act to appeal Section 3643 of the General Statutes of the State of Florida relating to persons beating their way on railroad trains.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Perkins—

Senate Bill No. 49:

A Bill to be entitled An Act designating the Flag Day for the State of Florida and to provide for and require United States flags to be displayed over the public schools of the State of Florida, and provide funds for same.

Which was read the first time by its title and referred to the Committee on Education.

By Mr. Perkins—

Senate Bill No. 50:

A Bill to be entitled An Act to prescribe and regulate rates for the transmission of telegrams and providing a penalty for violation of said regulations.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Perkins—

Senate Bill No. 51:

A Bill to be entitled An Act to prohibit the soliciting of orders for the sale of intoxicating liquors in counties and districts wherein their sale is prohibited, and to provide a penalty therefor.

Which was read the first time by its title and referred to the Committee on Temperance.

By Mr. Perkins—

Senate Bill No. 52:

A Bill to be entitled An Act to amend Section 370 of General Statutes of the State of Florida relating to State certificates.

Which was read the first time by its title and referred to the Committee on Education.

By Mr. Perkins—

Senate Bill No. 53:

A Bill to be entitled An Act to amend Section 1 of Chapter 5920, Laws of Florida, entitled "An Act prescribing punishment of misdemeanors in this State when not otherwise provided by statute."

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Perkins—

Senate Bill No. 54:

A Bill to be entitled An Act to amend Sections 3267 and 3268 of the General Statutes of the State of Florida relating to licenses for carrying fire arms.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Hilburn—

Senate Bill No. 55:

A Bill to be entitled An Act to require that all railroad locomotives operated and used for drawing passenger and freight trains shall be equipped with and use an electric headlight and providing a penalty for a violation of said Act.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. Hilburn—

Senate Bill No. 56:

A Bill to be entitled An Act to amend Section 2 of Chapter 5885, Laws of the State of Florida, relating to pensions.

Which was read the first time by its title and referred to the Committee on Pensions.

By Mr. Malone.

Senate Bill No. 57:

A Bill to be entitled An Act to amend Sections 365 and 367 of the General Statutes of the State of Florida, relating to the certification of teachers' third grade certificates and first grade certificates.

Which was read the first time by its title and referred to the Committee on Education.

By Mr. Flournoy—

Senate Bill No. 58:

A bill to be entitled An Act requiring teachers' summer training schools and making appropriations therefor.

Which was read the first time by its title and referred to the Committee on Education.

MESSAGES.

The following message from the Attorney General was taken up in its order and read:

Tallahassee, April 6, 1911.

Hon. Fred P. Cone,

President of the Senate, Tallahassee, Florida.

Sir:

In compliance with Section 13, Article V, of the Constitution of the State of Florida, which provides that "The Attorney General shall report to the Legislature at each session such legislation as may be deemed advisable," I beg to respectfully submit this, my report, for the consideration of your honorable body.

Respectfully submitted,

PARK TRAMMELL,

Attorney General.

State of Florida,
Office of Attorney General,
Tallahassee, Fla., April 4, 1911.

To the Florida Legislature:

In compliance with Section 13, Article V, of the Constitution of the State of Florida, which provides that "The Attorney General shall report to the Legislature at each session such legislation as may be deemed advisable," I beg to respectfully transmit this, my report, for the consideration of your honorable body.

LEGISLATION SUGGESTED.

I would respectfully recommend the enactment of laws upon the following subjects:

INVESTMENT STATE SCHOOL FUND.

Prior to the General Statutes of 1906, the law required that the State School Fund be invested in United States and State bonds only, and until the latter part of 1909, the policy of the former law was continued; at this time, however, the State School Board adopted the policy of investing in county and municipal bonds as well as in Federal and State securities. Under the present policy the State gets better interest and the competition afforded by the State being in the market for county and city bonds doubtless results in the counties and cities selling their bonds at a higher price than without this competition. That this policy may be assured for the future, I renew my recommendation of two years ago to the Legislature, that a law be passed providing that as far as consistent with good business policy the State School Fund shall be invested in bonds of the cities and counties of our State.

PUBLISH MINUTES STATE BOARD OF EDUCATION

Many important State transactions are handled by the State Board of Education. At present the minutes of this Board are not printed. Therefore, that publicity may be given to the transactions of this Board, I would suggest the enactment of a law requiring that these minutes be printed biennially for distribution to the members of the Legislature, the press and the public.

SALE STATE SCHOOL LANDS.

A good law would be one to authorize the State Board of Education to sell State School lands on reasonable installments.

This would often result in the State getting a better price, would encourage settlers and often aid a poor man to purchase who would otherwise be unable to pay all cash for the land he desires.

COUNTY CENSUS OF SCHOOL CHILDREN.

Paragraph twelve of Section 351 of the General Statutes, which provides for the County School Superintendent taking the census of the school children within his county every ten years, should be repealed, as it entails a useless expense to the counties and an unnecessary duty upon the Superintendent. Practically the same information is furnished by the State and United States census.

AGRICULTURAL DEPARTMENT IN PUBLIC SCHOOLS.

I would recommend a law looking to the establishment and maintenance of an agricultural branch or department in every public school where conditions justify the same.

AUTHORIZE SCHOOL BONDS BY CITIES.

Our Supreme Court has recently rendered a decision declaring that a city or town has no authority under the State Constitution to issue bonds for the erection of school houses or for other school purposes. That this authority may be vested in cities and towns, I would suggest the submission of a Constitutional amendment providing that cities and towns may bond for the erection of school buildings when the bond issue is approved by the voters at an election for the purpose of ascertaining the will of those interested.

MOTHERS' DAY.

A beautiful tribute to the mothers of our land would be the enactment of a law requiring that a certain day in each year should be appropriately observed in the public schools as "Mothers' Day," and I respectfully suggest the passage of such measure.

SPELLING IN THE PUBLIC SCHOOLS.

I believe that the course of study in all the public schools should embrace a very thorough course in spelling; I would therefore recommend the enactment of a law so providing.

BETTER COUNTRY SCHOOLS.

Both the county and town white schools should be maintained for an equal term from the general school fund. One should have as good and efficient teachers as the other. That this may be true, I would suggest a law looking to this end.

STATE PRINTING CONTRACT.

I deem advisable that Section 655 of the General Statutes should be so amended as to authorize the Board of Commissioners of State Institutions to ask for bids on a two and four years' contract for the State printing, with authority to accept whichever is deemed for the best interest of the State. The certainty of having the printing for a period of four years unquestionably would justify the bidders in making a better bid than under a two years' contract, as is now provided by said section.

PAY FOR PRINTING TAX LIST.

In some counties in the State it has been held by the authorities that a newspaper publisher was not entitled to compensation for the setting up of tax sale items, when the said items were never published due to the tax having been paid after the Tax Collector delivered the delinquent list to the publisher, but prior to the date for first publication. This works a hardship and an injustice upon the publisher, as the expense of the composition is possibly greater than the expense of the printing for the entire number of publications. I would therefore suggest that Section 50 of Chapter 5596 of the Laws of Florida, be so amended as to plainly provide for a reasonable compensation to the publisher under such circumstances.

AUTHORIZE LOCAL DRAINAGE DISTRICTS.

The greatest and most important work now being carried on by the State, is the drainage and reclamation of what is commonly known as the Everglades. This work which was inaugurated under the administration of the late lamented Governor Broward, who, with his master mind, saw the possibilities in reclaiming this vast area of rich and fertile lands, and thereby adding to the mate-

rial wealth and prosperity of our State, has under the present administration continued to progress with all reasonable dispatch and with the marked advancement that has been made, it is but a question of a very short time until in addition to the main canals which are being constructed by the State, a system of lateral canals and local ditches will have to be inaugurated. That we may be prepared for this further step in this great enterprise, I would suggest the enactment of a law providing for the establishment by the property owners of local drainage districts.

FEES FOR ASSESSMENT AND COLLECTION OF DRAINAGE TAX.

At present the fees for assessing and collecting the drainage tax are paid from the general revenue fund. This being a special tax and for a special improvement, I think a law should be passed requiring these fees to be paid from the drainage tax fund.

EXPERIMENTAL FARMS IN EVERGLADES.

That the diversity of crops for which the soil of the Everglades land is suitable may be ascertained and also for the purpose of demonstrating the agricultural value of this land for the production of the different crops, I deem it advisable that you pass a bill providing that the Trustees of the Internal Improvement Fund, shall establish and maintain so long as they believe for the best interest of the State two experimental farms in the Everglades, one on the East Coast and one on the West Coast. Said farms not to consist of more than ten acres each. The State has within the Everglades about twelve hundred thousand acres of land, and it is my opinion that such Experimental Farms, which would be of but little expense upon the Internal Improvement Fund, would add very materially to the development of the State as well as enhance very much the value of the State's land.

REGULATE RATES CANAL COMPANIES.

A measure should be passed authorizing the Railroad Commission to fix and regulate the rates to be enforced by canal companies.

REPEAL R. R. LAND GRANT STATUTE.

The time has passed when the State can afford to encourage railroad building by land grants. I would therefore suggest that Section 622 of the General Statutes, which provides that newly constructed railroads be granted the alternate section of State lands within the six miles limit and when there is a deficiency within the said limit, to be entitled to make up the same within twenty miles of said railroad, should be repealed.

A SETTLER'S ACT.

While the State does not own but a little more than one hundred thousand acres of land, other than School Lands and those located within the Everglades, I think it would be a wise policy to enact a settler's act applying to this land—one hundred thousand acres—under which a bona fide settler who had continuously lived upon a tract of land for a certain length of time, and make certain substantial improvements thereon, could purchase the tract of not exceeding forty or eighty acres, at a price that would be reasonable for an actual settler.

SUPREME COURT'S OPINION, CERTAIN CONSTITUTIONAL QUESTIONS.

A measure should be passed authorizing the Governor, the Legislature or the Attorney General, in matters of great public moment, to submit to the Supreme Court of the State, questions for decision, in which constitutional points are involved. At present the Governor only, may request the Supreme Court to give an advisory opinion upon its interpretation of the constitution upon questions affecting the powers and duties of the executive only.

This authority would doubtless be seldom exercised, however, at times it would be best for the State if such power existed. As an illustration, we may take the question of the constitutional authority of cities to issue bonds for school purposes. For at least ten years this has been a question of great public moment. Long ago it should have been adjudicated, yet this important public question remained unsettled until very recently when brought to the Supreme Court in a private suit instituted against a city.

With a law as I recommend this question might have long since been settled.

CONSTITUTIONAL QUESTIONS RAISED IN SUPREME COURT.

Under our present procedure frequently a constitutional question is not passed upon by the Supreme Court when raised. It being the rule to dispose of a case upon other points when it can be done. That the constitutionality of a law may be settled when raised, I deem advisable a law providing that when the constitutionality of a statute is raised in the appellate court, the question should be passed upon.

ESTABLISH A JUVENILE COURT JURISDICTION.

Our laws are inadequate for the proper disposition and care of juvenile offenders who may be brought before the courts. That suitable provision may be made for dealing with this class of offenders, I would suggest the passage of a law covering the subject and vesting in the County Judge's Court jurisdiction to dispose of this class of cases.

STATE RIGHT OF APPEAL.

Upon Constitutional questions I think the State should have the right of appeal, and I respectfully suggest the passage of a law so providing.

RAILROAD EMPLOYER'S LIABILITY.

The best modern thought recognizes the dignity of labor, which may well be called the cornerstone of industrial life. We know that those engaged in hazardous occupations are deserving of suitable compensation for loss of life or serious injury or accident; however, under our present law, damages cannot be recovered for the loss of life or for serious injury or accident to a railroad employe, should the employe have been guilty of any negligence whatever.

This is true, although there may have been much greater negligence on the part of the company. The system requires the employe to carry all of the blame for the negligence and the company none.

That this injustice to the employe may be remedied, I suggest the passage of what is commonly known as the law of comparative negligence.

ABOLISH LAW TECHNICALITIES.

Renewing my recommendation of two years ago, I would suggest the passage of the following measure, to-wit: No judgment shall be set aside, or reversed, or new trial granted, by any court of the State of Florida in any case, civil or criminal, on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless, in the opinion of the court to which application is made, after an examination of the entire cause, it shall appear that the error complained of has resulted in a miscarriage of justice.

ABOLISH RULE UNANIMOUS JURY VERDICT:

I strongly believe in a fair and impartial trial by jury and that this right should in no way be infringed; yet I think our system, which requires a unanimous verdict, often defeats justice and entails upon the State or litigants large additional expense by allowing one member of the jury to bring about a mistrial, although all the other jurors favor and agree upon a verdict.

I think the system should be so changed that five out of six jurors and either ten or eleven out of twelve jurors agreeing can render the verdict of the jury, and I would suggest a Constitutional Amendment so providing. This would certainly leave every protection of trial by jury and could in no wise injure the just cause of anyone.

CHARGE JURY ON RECOMMENDATION OF MERCY.

A measure should be passed requiring the court to instruct the jury in all trials for murder in the first degree, that it may recommend mercy and what effect such recommendation will have upon the sentence.

INSTRUCT JURY UPON PENALTY.

As the character and extent of the punishment which may be inflicted upon one convicted of crime may influence

the jury in fixing its verdict, I would suggest that the law should require the court to acquaint the jury with the punishment which may be imposed for the different crimes or degrees of crime of which the person on trial may be convicted.

TRANSFER CASE TO PROPER COURT.

In certain cases where a suit is brought in the wrong court and thrown out for the want of jurisdiction, the party may lose his right on account of the statute of limitations having barred his action. To remedy this weakness in the law, I would suggest the passage of a law providing that, no cause, proceeding or appeal should be dismissed or thrown out of court solely on account of being brought in or taken to the wrong court or venue, but if there is a court where it may be brought or prosecuted, it should be transferred to such court, all prior proceeding being saved.

SUBSTITUTE JUDGE FOR PREJUDICE JUDGE.

A change of venue on account of the prejudice of the judge as provided in Sections 1471 and 1475 of the General Statutes, entails either to the litigants or the counties and State the extra expense of carrying the witnesses to the county to which the case is transferred, necessarily making the expense much larger than if the case was tried in the county in which it was instituted.

A better plan would be to enact a law providing that in the Circuit Court, Criminal Courts of Record and County Courts when either party in a civil case, or the defendant in any criminal case shall, under oath, make application to the court, stating that he fears that he will not receive a fair trial in the court where the suit is pending, on account of the prejudice of the judge of said court against him, or in favor of the adverse party, the court shall file the said application with the clerk, who shall immediately notify the Governor, and the Governor shall thereupon assign a judge of some other Circuit Court, Criminal Court of Record or County Court, as the case may require, to try the case.

LIMIT APPEALS TO NINETY DAYS.

I deem advisable a law limiting the time within which an appeal in chancery or law may be taken to ninety days, instead of six months. This change would remove one feature of delay in litigation.

NOTICE TO ATTORNEY GENERAL OF APPEALS.

As the Attorney General is frequently never served in cases of unperfected appeals in criminal cases to the Supreme Court, I think the law should require the Clerk to notify him when an appeal is taken. Under the present system occasionally a prisoner remains in the county jail for several weeks or months after the expiration for the time for perfecting the appeal, for the reason that the county authorities are waiting for a disposition of the case by the Supreme Court. The court has no knowledge of the case, the Attorney General has never heard of it, therefore there can be no disposition of it until perchance some county officer or the State Attorney brings it to the attention of the Attorney General, when he has the case docketed and dismissed in the Supreme Court.

CRIMINAL STATISTICS.

A law should be passed requiring the Clerks of the Circuit Courts, Criminal Courts of Record and County Courts, to make biennial reports to the Attorney General of all criminal cases in such courts respectively. Said report to give all information necessary for the preparation of a State Report on Criminal Statistics. For which service the clerks should be allowed a reasonable fee.

ASSAULT UPON WOMEN.

A law should be passed more severely punishing indecent assaults upon women, such assaults as to not quite come up to the definition of assault with intent to commit rape. At present the only punishment is as for ordinary assault. This subject is discussed by the Supreme Court in the case of *Rushton vs. State*, 58 Florida Report, at page 94.

DETECTION OF ELECTION FRAUDS.

A law should be passed providing an appropriation of a reasonable sum which may be used by the Governor or the Attorney General, for the purpose of employing detectives and special agents to detect and have punished any violations of the Election or the Primary Election Laws. This measure may also provide for the Sheriff and other police officers to report to the Governor or Attorney General any suspected violations requiring special investigation.

AMEND LAW ON KIDNAPPING.

I would suggest that Chapter 5907 of the Laws of Florida, the same being relative to kidnapping, be so amended that a party may be found guilty of the offense whether the object of the offenders be for ransom or not. The present law only applies to cases where a person kidnaps a child with intent to hold such child for ransom.

MONEY FINE SETTLED AFTER IMPRISONMENT SENTENCE HAS BEGUN.

Under the present law when a prisoner has entered upon serving out the imprisonment sentence which was imposed as the alternative in default of the payment of a certain money fine, he has only one course by which he may get released upon the payment of the proportionate part of the fine unsatisfied, that being an application to the Board of Pardons for a commutation of sentence. A much better method could be provided and I would suggest the passage of a law providing that in all cases where a money fine is imposed with an imprisonment sentence in default of the payment of the fine, that at any time after the prisoner has begun serving out the imprisonment penalty he can secure his release by paying to the Sheriff the proportionate part of the fine and cost remaining unsatisfied by the time which he has been imprisoned.

PUBLISH MINUTES, COMMISSIONERS' STATE INSTITUTIONS.

The law does not require the minutes of the Board of Commissioners of State Institutions to be published. This

Board handles many important affairs of State during each year, and I deem advisable a law to provide for the printing and distribution of its minutes biennially.

SALE OF PUBLIC PROPERTY TO MEMBER OF BOARD.

A measure should be passed providing that no State, County or City Board should sell to one of its members any of the public property which may be disposed of by such board.

AUTHORIZE DEPUTY TAX COLLECTOR.

A measure should be passed authorizing the Tax Collector to have a Deputy with authority to act in his stead and place when necessary.

CANCELLATION OF CERTAIN TAX DEEDS.

A property owner who has paid the taxes on his property should have some remedy for clearing a void tax deed upon his property without the necessity of a suit in equity, at considerable cost; this being his only remedy at present. A law should be enacted providing a method whereby after proper service the Clerk of the Circuit Court may cancel a tax deed where the property owner presents to him a tax receipt showing that he paid the taxes on the property for the year, for which it was illegally sold.

NO TWO CORPORATIONS WITH SAME NAME.

Our law for chartering corporations and permitting foreign corporations to do business in this State should be amended so as to clearly provide that there should be no two corporations of the same name authorized to do business in this State.

AUTHORITY TO USE PROCEEDS INSURANCE TO REPLACE PUBLIC PROPERTY.

A law should be passed providing that in cases of loss of public property by fire the proceeds from the insurance shall, under the authority of the proper officers, be used in replacing the destroyed property.

SURETY COMPANIES STOCK INCREASE.

Section 2780 of the General Statutes provides that the capital stock of a surety company incorporated in this State shall be not less than five hundred dollars. This section was evidently intended to be a copy of Section 2226 of the Revised Statutes, which required the capital stock of such companies to be five hundred thousand dollars. The amount of stock now required is too small, and I would therefore suggest that said section be so amended as to require that surety companies incorporating in this State shall have a capital stock of not less than one hundred thousand dollars.

AMEND PULLMAN CAR TAX LAW.

The Pullman Car Company has attacked the constitutionality of Section 47 of Chapter 5596, upon the ground that it does not provide for a hearing before the Comptroller in the event of a failure to make the report of the amount of gross receipts as required by said section.

Judge Pardee and two associate United States Circuit Judges, on February 9, 1911, denied the Pullman Company a temporary injunction and held the statute constitutional. From their order an appeal has been taken to the United States Supreme Court. While I feel very confident that the United States Supreme Court will sustain the lower court, however, to remove even the ground of contention, I would suggest that said section be amended so as to provide for not less than five days' notice of hearing should the company fail to make the report of its gross receipts and pay the tax thereon as required by said section.

FOREIGN INSURANCE COMPANIES' INVESTMENTS.

I would suggest the passage of a law requiring that foreign insurance companies be required to invest a reasonable part of their Florida earnings in securities in this State.

ENFORCEMENT OF CHILD LABOR LAW.

Looking to a stricter enforcement of the child labor law, which prohibits the employment of children under the

age of twelve years in factories, work shops and places where intoxicating liquors are sold, I think a law should be passed providing for an Inspector, whose duty it should be to enforce the said law, and who may also compile labor statistics and make reports upon labor conditions.

SUPERVISION OF PRIVATE BANKS.

A law should be enacted providing the amount of capital stock required of a private bank, and also providing that the private banks shall be under the same supervision of the State as incorporated banks. This I think for the best interest of the public as well as the private bank.

REPORT OF WRECKS BY RAILROADS.

A measure should be passed requiring all railroads to report each wreck, the cause thereof, with full information of its extent to the Railroad Commission.

ASSESSMENT OF TIMBER LEASES.

Chapter 5725 of the Laws of Florida, relative to the assessment and collection of taxes upon the turpentine and timber leases, should be so amended as to clearly define the duties of the Tax Assessor and Collector and also more clearly define the method of assessment and the enforcement of the payment of such tax.

LAW GOVERNING PRIMARY ELECTION.

While the constitutionality of the Primary law enacted by the Legislature at its last session has not been passed upon by the Supreme Court, the constitutionality of this Act was raised before the Judge of the Sixth Judicial Circuit and the Act was by him declared unconstitutional. For this reason and the further reason that the law may be improved, I would suggest that you pass a new primary law covering thoroughly the subject.

LICENSE REFUSED OR REVOKED WHEN INSURANCE COMPANY DOES NOT PAY TAX.

There is no provision made in Section 8 of Chapter 5595 for the enforcement of the payment of the tax of two per

cent upon the gross receipts of insurance companies. Therefore the State's only remedy is by an assumpsit action. To remedy this defect in the law I would suggest the passage of a law providing that no license shall be issued to an insurance company which has not paid to the State all license taxes due, and in the event that the defaulting company has a license to do business, that it shall be revoked by the Insurance Commissioners.

RAILROAD TO FURNISH CARS FOR PERISHABLE PRODUCTS IN CERTAIN TIME.

That the producers of perishable fruits and farm products may have cars furnished to them by the transportation companies for the prompt shipment of such perishables, or in the event of the failure of the transportation companies to promptly furnish cars, that the producer may be compensated in damages, I would suggest the enactment of a law making it the duty of railroad companies to furnish to any grower or growers of perishable fruits and vegetables, suitable icing and refrigerator cars or other suitable cars for the transportation of such products when application in writing is made therefor, a reasonable number (the number to be inserted) of hours in advance of the time such car or cars are wanted for loading. And providing that in the event the railroad company shall fail to furnish such cars, the shipper shall be entitled to recover from the railroad company the damage he has suffered on account of such failure or delay based upon the market value of his products.

PROHIBIT FOREIGN PUBLIC SERVICE CORPORATIONS SUING IN U. S. COURT.

I would suggest the passage of a law providing that a foreign public service corporation which removes a suit to a Federal Court or institutes a suit therein which it could not move to a Federal Court or institute and maintain therein if it were a domestic corporation, shall forfeit its right to do intrastate business within this State. A law of this character would, I think, aid the State in regulating public service corporations and very much hasten litigation between the State and a foreign public service corporation.

STATUTE REGULATING PASSENGER RATES.

In view of Alabama's success in forcing the L. & N. R. R. under a statute fixing the rate for passenger transportation to reduce its passenger rates in that State, it is possible that our State may under a similar law more readily force this company to a three-cent rate, than under the long, tedious litigation which has been pending between the State and this railroad regarding the three-cent passenger rate for the last six or eight years. Every other road in Florida has for years been operating under the three-cent rate, in fact, most of them volutarily made their rates less than three cents per mile, and I think every reasonable means should be adopted to force a very early reduction on the L. & N. Railroad.

DETAIL BIENNIAL STATE REPORTS.

I deem advisable, a law requiring that the biennial reports of all officers of the administrative department of the State government should contain a statement showing:

First—The name of every person in regular or special employment in each officer's department; the period of time of said employment; the character of employment and the salary paid each of such persons.

Second—All expenditures in detail in each officer's department made under the head of the collection of revenue, the enforcement of the law, current or incidental expenses paid from either incidental funds, contingent funds or any other funds.

Third—A budget of the expenses of each officer's department for the next succeeding two years.

And that said biennial reports containing this, and other information now required by law, should be printed and a copy thereof mailed to each member of the Legislature, at least twenty days prior to the convening of the Legislature, and also distributed among the newspapers of the State.

REQUIRE INTEREST ON COUNTY FUNDS.

A good law for Florida would be a law requiring that county funds, including proceeds from bonds, shall be deposited in banks which will pay interest thereon based upon daily balances just the same as is now required by

law governing State funds. And that the sinking funds, as far as practicable, shall be deposited in the savings department of the bank at the regular interest allowed. A law of this character would bring into the county treasuries many thousand dollars annually.

INCORPORATION LAWS.

The laws providing for the formation of corporations should be so amended as to require that at least twenty-five per cent of the subscribed stock shall be paid in before the incorporators are allowed to do business.

INCORPORATION OF TOWNS AND CITIES.

Under our present law a considerable part of the time of the Legislature is consumed in the consideration of city and town charters. To prevent this expenditure of money and loss of time, I would suggest the submission of a constitutional amendment providing that no special city or town charter should be issued by the Legislature, and that general laws be provided regulating and dividing them into proper classes.

EQUALIZATION OF TAXATION.

Tax assessment laws that do not apply in equal terms to all are not just laws. The Florida law relative to the assesment of railroads is a special law. The law should be amended so as to assess railroad property the same as individuals.

PURITY OF THE BALLOT.

I would suggest the passage of a very stringent law against fraud in the conduct of the Primary Election; also a law imposing a severe penalty upon any voter accepting a bribe, and upon any person offering or giving a bribe to a voter.

SPECIAL ELECTIONS FOR LEGISLATORS.

Under our present law, if there occurs a vacancy in the office of State Senator or Representative between the General Election and a session of the Legislature, only those

voters who have paid their poll tax that are due on or before the second Saturday of the month next preceding the day of the election are entitled to vote in the special election to fill the vacancy. The time for paying poll tax running until April 1st of each year, if an election is held in January, February, March or April, but few are qualified voters. I would, therefore, suggest a law providing that any person who was qualified to vote in the last general election should be qualified to vote in a special election to fill a vacancy in the Legislature.

VOTING IN PRIMARY ELECTIONS.

The primary elections, being restricted to the white voters, mere irregularities in marking the ballot should not be cause for throwing out the ballot, if the intention of the voter is clearly indicated by his ballot. The primary law should be so amended as to provide that where a voter's intention is clear on the ballot, the vote should be counted, though technically there might be an error in the marking of the ticket.

ANTI-TRUST LAW.

A large majority of the States have passed anti-trust laws, and in my opinion it is advisable that a strong anti-trust law should be enacted in Florida.

ADVERTISE GRANTING OF FRANCHISE.

City franchises are often very valuable, and for the protection of the interests of the towns and cities, I would suggest the passage of a law requiring that when an application for a franchise is presented to a city or town council, the said council, if it is desired to consider the application, shall give public notice through the press of the application, for at least two weeks before acting upon it, in order that others may make application also, and that the citizens may be advised.

CRIMINAL ASSAULT, ATTEMPT.

A law should be enacted providing that any person who commits an assault with intent to commit rape, shall be punished by imprisonment for life, or by the death

sentence. Section 3230 of the General Statutes fixes the penalty at not exceeding twenty years.

CRIMINAL ASSAULTS.

A law should be passed prohibiting newspapers from publishing the name of any woman or girl upon whom a criminal assault is made. This law would, I believe, be appreciated by the press and public generally.

PISTOL PERMIT.

I would suggest an amendment of Section 3627 of the General Statutes so as to make the penalty for carrying a pistol or Winchester rifle without a permit, a fine of not less than one hundred dollars and not exceeding five hundred dollars, or imprisonment in the county jail not less than three months and not exceeding six months. This amendment being necessary to make the law correspond with the law for carrying concealed weapons.

GIVING LIQUOR ON SALE OF OTHER ARTICLES.

Section 3551 of the General Statutes provides that "Whoever gives, or by pretended sale of any other article furnishes any liquor, wine or beer to a customer, or permits the same to be done with a view to entice custom or evade the law, shall be deemed a seller without a license and liable to the penalty for selling without license." This provision does not apply in local option counties, but only in wet counties. I would, therefore, suggest a similar law so drafted as to be enforced in counties that have adopted local option.

COUNTY COMMISSIONERS.

I would advise the passage of a measure prohibiting a county commissioner from holding any position or job created by the board of which he is a member during his service as commissioner.

FEES OF COUNTY TREASURER.

There seems to be a question as to whether or not a County Treasurer is entitled to a commission for han-

ding borrowed money. The law as found in Section 821 of the General Statutes should be amended so as to clearly indicate the intention of the Legislature in this matter.

MUZZLE THE LOBBYIST.

A law should be enacted requiring that any and every person representing or desiring to represent before any committee of the Legislature any interest, should be required to register, in a book to be kept by the Secretary of the Senate and Chief Clerk of the House of Representatives, his name, giving the nature of his employment and the name of his employer. The next succeeding day the name of the person so registering should be published in the Journal with the name of his employer and character of his employment.

PROHIBIT WATERED STOCK.

The over-capitalization of public service corporations is one of the greatest menaces of the present age. The past cannot be corrected, but for the future I would suggest a law that would require that the issuance of all railroad and express company stocks and bonds be subject to the scrutiny and approval of the Railroad Commission.

TAX ON REFRIGERATOR CARS.

The independent lines of refrigerator cars pay no taxes of any description in this State. I, therefore, think a measure should be passed requiring a reasonable license tax on these cars.

PROHIBIT INSURANCE COMPANIES.

There is considerable complaint that life and fire insurance is excessively high. I would, therefore, suggest a law that would make it unlawful for two or more insurance companies doing business in this State, or for officers, agents or employes of such companies, to make or enter into any combination or arrangement relating to the rates to be charged for insurance, the amount of commission to be allowed agents for procuring the same, or the manner of transacting such business within this State.

GARNISHMENT.

The garnishment law should be so amended as to require a bond from the person instituting garnishment proceedings, the same as is required in attachment proceedings.

RECEIVER SHOULD BE DISINTERESTED.

A receiver should be an impartial and disinterested person. I would, therefore, suggest that our law be amended so as to prohibit any interested person, the employe or agent of any person interested in a receivership from being appointed as receiver.

STANDARD ORANGE FIELD CRATE.

At the suggestion of a number of orange growers, I would advise the passage of a law prescribing a standard size of the orange field crate.

APPROPRIATION FOR MANDAMUS PROCEEDINGS.

While it may at any time become necessary for the Attorney General to institute mandamus proceedings or quo warranto, there is no appropriation made to meet the expenses that would be incident thereto. I therefore suggest that a standing appropriation of one thousand dollars should be made to meet any emergency that may arise in such extraordinary proceedings.

LAW AUTHORIZING CASH BOND.

Hon. W. S. Bullock, Judge of the Fifth Judicial Circuit, recommends a law providing that a cash bond may be given in criminal cases, and I heartily concur in his suggestion.

TAX TITLE SUITS.

A law should be enacted providing that in ejectment suits where defendant is claiming under a tax title, he shall be allowed to set up as a set-off against mesne profits, reasonable value for improvements and his expenses for taxes and assessments against the property while held by him under tax title.

PUBLIC ROADS ACROSS RAILROADS.

I deem advisable the passage of a law requiring railroads to make public road crossings crossing their tracks easy of approach, and to keep such crossings in good repair.

GREEN GROCERS' LICENSE.

The license tax required of a green grocer has been construed to be required of regular merchants having a merchant's license. I do not believe that a regular licensed merchant should be required to take out this additional license in order to handle the farm products, and would, therefore, suggest that Section 8 of Chapter 5597 of the Acts of 1907 be so amended as to provide that the green grocer's license shall not be required of a merchant taking out a merchant's license.

Respectfully submitted,

PARK TRAMMELL,
Attorney General.

SUGGESTIONS BY JUDGE JOSEPH B. WALL.

In reply to my request to the several Circuit Court Judges, that they advise me of any legislation which they deemed advisable, I received from Hon. Joseph B. Wall, Judge of the Sixth Judicial Circuit, the following communication which I respectfully submit for your consideration:

Dear Sir:

In compliance with your request I hereby submit for your consideration the following suggestions:

First, That Section 2294 General Statutes be amended so as to include estates in entirety. The right of survivorship in such estates is calculated sometimes to work, not only hardships, but positive injustice to children, and should be abolished.

Second, The statutes prescribe that all writs of error, even when issued from the Circuit Court to inferior courts should bear teste in the name of the Chief Justice of the Supreme Court, while writs of scire facias ad audiendum errores shall be tested in the name of the judge of the ap-

pellate court. The tendency of this is to create confusion in appellate proceedings. In order to create uniformity both writs should bear teste in the name of the Chief Justice, or, what would perhaps be better, because simpler, in the name of the Judge of the Appellate Court.

Third, The statute should provide that in actions of ejectment, proof of the execution of the scire facias by the Sheriff without production of the writ should be prima facie evidence of title for the reason that a great many executions are lost either by the Sheriff or the Clerk.

Fourth, Section 1845, General Statutes, should be amended so as to provide that the Circuit Judge shall have authority to order the Court Reporter to attend Coroners' inquests, preliminary examinations in criminal cases, and sessions of the Grand Jury, when in the opinion of the Judge such may be necessary in furtherance of justice; and for their compensation.

All of which is respectfully submitted,

J. B. WALL.

Judge of Sixth Circuit.

Mr. Johnson moved that the message be spread on the Journal.

Which was agreed to.

Mr. Henderson moved to reconsider the vote by which the rules as amended were adopted by the Senate, and particularly by which Rule 27 was adopted on yesterday.

Which motion went over under the rule.

Mr. Johnson moved that the Senate do now go into executive session.

Which was agreed to.

The Senate went into executive session, the doors being closed at 10:55 o'clock a. m.

The doors were opened at 11:05 o'clock a. m.

The Senate resumed its session, the President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Culpepper, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hosford, Hudson, Humphries, Johnson, L'Engle, Malone, Massey, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Stokes, Williams, Wilson, Withers, Zim.

A communication was received from the Secretary of State.

Mr. Johnson moved that the rules be waived and that the communication of the Secretary of State be read and considered.

Which was agreed to by a two thirds vote.

The following communication from the Secretary of State was read:

Office of the Secretary of State,
State of Florida,
Tallahassee, April 7, 1911.

Hon. Fred P. Cone,
President of the Senate.

My Dear Sir:

In conformity with the requirements of the Constitution of the State of Florida, I herewith transmit to you for consideration of the Senate the following vetoed Acts with the Governor's objections attached thereto, viz:

"An Act authorizing and providing for the issuance of county bonds and the laying out, opening, construction, repairing and maintaining of hard surface roads and bridges, and providing for and regulating the use of the proceeds of such bonds; and providing for the payment of the principal and interest of such bonds, and granting to said Board of Trustees the right to condemn lands for the purpose of constructing hard surface roads and bridges."

"An Act authorizing Trustees of Special Tax School Districts in the several counties of the State of Florida to issue bonds or other evidences of indebtedness to secure any outstanding indebtedness of said district and to secure any indebtedness incurred in purchase of any real estate or personal property for educational purposes and the erection of buildings and maintaining the same for such purpose, and to provide an election to authorize such issuing of bonds."

"An Act concerning obstructions to navigation by bridges or other structures, and remedies therefor."

"An Act to grant a pension to Joseph Gilmer of Jefferson County, Florida, and providing for the payment thereof."

Very respectfully,

H. CLAY CRAWFORD,
Secretary of State.

The following veto by the Governor was taken up and read:

Tallahassee, June 11, 1909.

Hon. H. Clay Crawford,
Secretary of State.

Dear Sir:

In pursuance of the provisions of Section 28, Article III of the State Constitution, I have the honor to hand you herewith for filing, the following Bill passed by the Legislature of 1909, from which my approval is withheld for the reasons stated below:

An Act authorizing and providing for the issuance of County Bonds for the laying out, opening, construction, repairing and maintaining of hard surface roads and bridges; and providing for and regulating the use of the proceeds of such bonds and providing for the payment of the principle and interest of such bonds, and granting to said Board of Trustees the right to condemn lands for the purpose of constructing hard surface roads and bridges.

Under Section 786 of the General Statutes the County Commissioners provide by resolutions "for the issuing of bonds for the purpose of constructing paved, macadamized or other hard surface highways, or erecting a court house or jail or other public building, and funding the outstanding indebtedness of the county."

Under this Bill provision is to be made by the Trustees created by the Bill "for the purpose of constructing, repairing and maintaining hard surface roads and bridges." It is evident that different elections would have to be called to provide bonds for roads and to provide bonds for the erection of court houses or other county buildings.

Under Section 799 of the General Statutes, three Trustees are appointed by resolution of the Board of County Commissioners, "Who shall each give bond running to the County Treasurer with sufficient sureties in such sums as may be required by the County Commissioners, conditioned that the said Trustee shall faithfully discharge the trust confided to him.

Under this Bill, seven Trustees are elected and no bond of any kind is required. Under this Bill "the said Board of Trustees are hereby granted and clothed with full management and control of the funds which shall be derived

from the sale of the bonds herein provided for, and shall have the right and power to expend the proceeds of such bonds upon the hard surface roads of the county at such time or times and at such place or places as they shall by resolution designate."

Under this Bill the Trustees are evidently clothed with too much power and authority not to be placed under bond.

Under Section 802 of the General Statutes the Trustees of county bonds "may be removed for cause by the judge of the Circuit Court or the circuit in which the county is situated, upon petitions signed by any bond holder or tax payer, setting forth the cause of complaint. Under this Bill there is no provision for the removal of any Trustee. The Trustees having all the powers as mentioned above, should be subject to removal.

Under this bill there is no provision for filling vacancies. The Trustees should not be a self-perpetuating body, electing members to fill vacancies.

Under Section 803 "Vacancies shall be filled by nomination of the Trustees and the confirmation by the Board of County Commissioners."

Under Section 804 of the General Statutes Trustees are allowed compensation the same as the County Treasurer. Under this bill the County Treasurer "shall receive for his compensation one-half the amount provided by law for handling moneys received from other sources, and paid out for other purposes." The Trustees do not appear to receive any compensation.

They are required under Section 801 of the General Statutes to make a report annually. Under this bill no report is required to be filed by the Trustees.

Under Section 800 "All money collected to pay the interest or for a sinking fund of said bonded debt shall be paid over by the Tax Collector to the Trustees," who are to pay the interest on the bonds, and to invest the residue "in such bonds or in bonds or stocks of the United States bearing interest, to be held as an accumulating fund for the ultimate redemption of said county bonds." Under this bill all funds are turned over to the County Treasurer, "and the County Commissioners shall levy and collect annually such special taxes as may be necessary to pay the interest on such bonds, and to provide a sinking fund for the payment of the bonds." The sinking fund is to be

paid to the County Treasurer, who would have authority to accumulate the same without putting it out at interest or benefiting the county in any wise.

Under Section 769 of the General Statutes, the County Commissioners are given power "to build and keep in repair county buildings, roads and bridges." Under the proposed Act the Board of Trustees "shall have the right and power to expend the proceeds of such bonds upon the hard surface roads of the county at such time or times, and at such place or places as they shall by resolution designate, and are hereby authorized, empowered and directed to make such rules and regulations for the opening, construction, repairing and maintaining of the hard surface roads and bridges as in their judgment shall seem proper and for the best interest of the county."

It appears, therefore, that all power is taken from the Board of County Commissioners, who are elected every two years, and this power is placed in the hands of the Board of Trustees who, being once elected, cannot be removed, and who would have to elect their successors in case of death or resignation, as there is no other mode provided for.

Under Section 4010 of the General Statutes, referring to a county prisoner, it is provided that "he may be employed at such manual labor as the County Commissioners may direct." Under this bill, the Trustees have control of construction of roads, but have no authority to employ county convicts.

For the foregoing reasons, it appears to me that the provisions now on the statute books are better than the provisions of this bill. Therefore, I withhold my approval from the same. I have the honor to be

Very respectfully,

ALBERT W. GILCHRIST,

Governor.

Mr. Miller moved that this Act, with the veto by the Governor, be made a special order for consideration on Thursday, April 13, 1911.

Which was agreed to.

The following veto was taken up and read:

Tallahassee, June 9, 1909.

Hon. H. Clay Crawford,
Secretary of State.

Dear Sir:

In pursuance of the provisions of Section 28 of Article III of the State Constitution, I have the honor to hand you herewith, for filing, the following bill passed by the Legislature of 1909, from which my approval is withheld for the reasons stated below:

An Act authorizing Trustees of Special Tax School Districts in any of the several counties of the State of Florida to issue bonds or other evidences of indebtedness to secure any outstanding indebtedness of said district and to secure any indebtedness incurred in purchase of any real estate or personal property for educational purposes, and the erection of buildings and maintaining the same for such purpose, and to provide an election to authorize such issuing of bonds.

Sections 1, 2, 5 and 6, of said bill are as follows:

Section 1. That the Boards of Trustees of Special Tax School Districts in the several counties in the State of Florida be authorized to issue bonds or any other evidences of indebtedness to procure funds for the payment of any debts of their respective districts incurred or to be incurred in the purchase of real estate or personal property and the erection of buildings and maintaining the same for educational purpose.

Section 2. Before any bonds or other evidences of indebtedness shall be issued the Trustees of such district shall submit the proposition to the Board of Public Instruction for the county in which such district is located setting forth the amount of indebtedness to be paid or to be incurred, the purposes for which it was or is to be incurred, the time for which it is to run, the rate of interest it is to bear, and what notes and bonds are to be issued. If the proposition is approved by the Board of Public Instruction for such county then the said Board of Public Instruction for such county shall submit the proposition to the qualified electors of such Special Tax School District who are taxpayers of real property and who have paid their taxes for the year next preceding the election, for approval, which election shall be held as hereinafter provided.

Section 5. If at such election three fifths of the votes

cast shall be in favor of the proposition the Board of Public Instruction for such county shall authorize the Trustees of such district to issue bonds or such other evidence of indebtedness as was provided for in said election, and to offer the same for sale after giving proper notice by advertising for bids for said bonds or other evidence of indebtedness, and the Board of Public Instruction shall keep a complete record of all the proceedings pertaining to ordering of the election, the election and the sale of the bonds, as well as the Board of Trustees of said district.

Section 6. The bonds or other evidence of indebtedness shall be a charge upon the property, real and personal, in said district, and no Special Tax School District shall be abolished until any and all of such indebtedness shall be fully paid. The Board of Trustees shall provide for the payment of the interest upon such indebtedness, and a sinking fund to meet the principal out of the taxes levied in said Special Tax School District, and shall elect Trustees who shall hold said fund.

In this connection your attention is invited to Sections 10 and 11 of Article 12 of the State Constitution, which are as follows:

"Section 10. The Legislature may provide for the division of any county or counties into convenient school districts; and for the election biennially of three school trustees, who shall hold their office for two years, and who shall have the supervision of all the schools within the district; and for the levying and collection of a district school tax, for the exclusive use of public free schools within the district, whenever a majority of the qualified electors thereof that pay a tax on real, or personal property shall vote in favor of such levy: Provided, That any tax authorized by this Section shall not exceed three mills on the dollar in any one year on the taxable property of the district."

"Section 11. Any incorporate town or city may constitute a school district. The fund raised by Section 10 may be expended in the district where levied for building or repairing school houses, for the purchase of school libraries and text books, for salaries of teachers, or for other educational purposes, so that the distribution among all the schools of the district be equitable."

Examining Section 10, it will be observed that the Trus-

tees are elected biennially and that biennially there is an election for the levy and collection of a district school tax.

Section 6 of the Bill provides "no special tax school district shall be abolished until any and all of such indebtedness shall be fully paid." This is in derogation of the rights of the electors.

Section 2 of the Bill limits the voters to those "who are *tax payers on real property*, and who have paid their taxes for the year next preceding the election for approval."

Section 10 of the Constitution described the limitations of the qualified electors, thus: "When a majority of the qualified electors thereof that pay a tax on real or personal property shall vote in favor of such levy."

Section 5 of the Bill provides "if at such election, three fifths of the votes cast shall be in favor of the proposition." Said Section 10 of the Constitution provides that "whenever a *majority* of the qualified electors thereof, etc.," shall vote in favor of such levy. "Three fifths of the votes cast" is not necessarily a "majority of the qualified electors thereof."

Section 1 of the Bill provides for issue of bonds "to procure funds for the payment of any debts of their respective districts incurred or to be incurred in the purchase of *real estate*, or personal property."

Said Section 11 of the Constitution provides "the fund" * * * "may be expended in the districts where levied for *building* or repairing school houses, for the purchase of school library and text books, for salaries of teachers, or for other educational purposes." There is no authority to purchase *real estate*, and the authority to purchase personal property is limited.

Your attention is invited to the following extract from my biennial message to the Legislature of April 6, 1909:

"Referring to school districts, your attention is invited to the fact that, under the present law the Trustees of the school district are not allowed to bond a district, for the purpose of building a school house. If deemed expedient and also necessary, it would be well to amend the Constitution so as to permit the bonding of districts for the erection of school houses. This is an age of advancement in civilization, consequently there are more wants. As these school houses are to be used for the fu-

ture, as well as the present, there is no reason why posterity should not help pay for them."

The passage of such Bill as this would inadvertently result in loss to capitalists who would invest in such bonds and would deprive the electors of their constitutional rights.

I have the honor to be,

Very respectfully,
ALBERT W. GILCHRIST,
Governor.

Mr. Massey moved that the Act with the Governor's veto be referred to one of the Judiciary Committees and that it be made the special order for consideration on Thursday, April 13.

Which was agreed to.

The Act with veto was referred to the Committee on Judiciary B.

The following veto by the Governor was taken up and read:

Tallahassee, June 12, 1909.

Hon. H. Clay Crawford,
Secretary of State.

Dear Sir:

In pursuance of Section 28, Article III, of the State Constitution, I have the honor to hand you herewith for filing the following bill passed by the Legislature of 1909, from which my approval is withheld for the reasons stated below:

An Act concerning obstructions to navigation by bridges or other structures, and remedies therefor.

In this connection, it would be well to quote the present law, being Section 3668 of the General Statutes, of which this bill is intended to be in the nature of an amendment.

In the present law, after stating that "Any railway company, or other corporation, or person" * * * "are required to build and maintain suitable draw, or other proper and necessary appliances," etc., the law further provides that "any such company, corporation, or person, failing to comply with such requirements shall be punished by a fine not exceeding five thousand dollars."

This is surely punishment sufficient to require the neces-

sary compliance with the law on the part of such "companies, corporations, or persons." Such fines would go into the county fine and forfeiture fund.

According to the provisions of this bill, in addition to such fine, a compensation would go to the informer bringing suit, being "any person or corporation having any boat, or watercraft *which is or will be or may be* prevented, hindered or delayed in passing such bridge, trestle, causeway or other structure, or who may be otherwise specially injured or damaged by such obstruction."

This shot is evidently aimed at railroad corporations, but the shot, in scattering, hits various counties. Under the provisions of this bill, counties could be sued by "any person or corporation having any boat or watercraft *which is or will be or may be* prevented, hindered or delayed in passing such bridge," etc.

This bill would simply invite litigation. No railroad company or county could build a bridge or trestle with such openings but that "any person or corporation" might in the future have "any boat or watercraft *which is or will be or may be* prevented, hindered or delayed in passing such bridge, trestle or other causeway."

For this and other reasons I withhold my approval from this bill. I have the honor to be

Very respectfully,

ALBERT W. GILCHRIST,

Governor.

Mr. Hudson moved that this Act with accompanying veto be referred to one of the Judiciary Committees and that it be made a special order for consideration on Thursday, April 13.

Which was agreed to.

The Act and veto by the Governor was referred to the Committee on Judiciary B.

The following veto by the Governor was read:

Tallahassee, June 10, 1909.

Hon. H. Clay Crawford,

Secretary of State,

Dear Sir:

In pursuance of the provisions of Section 28 of Article III of the State Constitution, I have the honor to hand

you herewith, for filing, the following Bill passed by the Legislature of 1909, from which my approval is withheld for the reasons stated below:

An Act to grant a pension to Joseph Gilmer, of Jefferson County, Florida, and providing for the payment thereof.

The preamble to this Bill recites as follows:

"Whereas, before the beginning of the late war in 1861, Joseph Gilmer was superintendent of the factory near Monticello, Florida, belonging to the Jefferson Manufacturing Company, which was engaged in the manufacture of cloth and thread; and

"Whereas, after the war commenced, these manufactures were used by the State and Confederate authorities for clothing for their soldiers and in supplying soldiers' families; and

"Whereas, this work was of such great importance to the Southern cause that the Legislature of the State of Florida passed a general resolution, which was approved December 4, 1863, asking for the exemption from military service of the workmen and persons employed in said company, declaring that their services were 'Indispensable in conducting this useful and important work'; and

"Whereas, the said Gilmer, after enrolling and drilling in a Cavalry Company raised in Monticello, which was afterwards attached as Company — to the Fifteenth Regiment of Confederate Cavalry, was required to remain in Florida and continue to manage and conduct such manufacturing business, and did so continue during the war; and

"Whereas, the said Joseph Gilmer is now eighty years old, is infirm and blind, and unable to earn a living, and is without means of support, and is unable to make the proofs required by law, of actual service in the field, in order to obtain a pension, for the reasons stated;

"Therefore," etc.

The aged and infirm condition of the party to whom this bill proposes to grant a pension, and the value of the service which he rendered during the war, naturally appeal for extending such generosity as is proper. This case, however, does not differ in principle from that of the hundreds of farmers who remained at home to raise grain or cotton for the support and use of the fighting men of the Confederate armies. This case is no more just and deserving than many others. The State should not dis-

criminate in such cases. If it is to grant a pension to anyone who stayed away from the firing line and produced articles necessary for the subsistence of the army, then a general law should be passed under which a pension may be granted to all those over eighty years of age who stayed at home and raised grain, cotton, etc., for the use of the army.

For these reasons I withhold by approval from this bill.

Very respectfully,

ALBERT W. GILCHRIST,

Governor.

Mr. Finlayson moved that the Act with veto be referred to its appropriate committee and that they be made a special order for consideration on Thursday, April 13.

Which was agreed to.

By consent, Mr. Hilburn offered the following resolution—

Senate Resolution No. 9:

Resolved, That the Sergeant-at-Arms be directed to procure from the Clerk of the Supreme Court a set of the Supreme Court Reports of Florida for the use of Judiciary Committee B, and that this resolution be the authority for said Clerk of Supreme Court to furnish said books.

Mr. Hilburn moved to adopt the resolution.

Which was agreed to.

Mr. Hilburn offered the following resolution—

Senate Resolution No. 10:

Resolved, That the Judiciary Committee B be authorized to employ a clerk for said committee.

The resolution was referred to the Committee on Legislative Expenses.

Messrs. Humphries, Johnson, Hilburn, McCreary and Davis were excused from further attendance until Tuesday, April 11.

Mr. McMullen moved that the Senate adjourn to Monday, 4 o'clock p. m.

Which was agreed to.

Whereupon the Senate stood adjourned to 4 o'clock p. m., Monday, April 10, 1911.

CONFIRMATIONS.

W. A. Blount, of Pensacola, to be a Commissioner on Uniformity of Legislation, to succeed John C. Avery, resigned, October 21, 1910.

A. V. Long, of Starke, to be State Attorney for the Eighth Judicial Circuit, to fill the unexpired term of J. M. Rivers, deceased.

T. P. Warlow of Orlando, to be Judge of the Criminal Court of Record for Orange County, to fill the unexpired term of James D. Beggs, deceased.

Bert Fish, of DeLand, to be Judge of the Criminal Court of Record for Volusia County, to fill the unexpired term of James W. Perkins, resigned, November 10, 1910.

Royal P. Hamlin, of DeLand, to be County Solicitor of Volusia County, to fill the unexpired term of Bert Fish, resigned, November 2, 1910.

Charles O. Andrews, of DeFuniak Springs, to be Judge of the Criminal Court of Record for Walton County to fill the unexpired term of D. Stuart Gillis, resigned, June 15, 1910.

MONDAY AFTERNOON, APRIL 10, 1911

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Baker, Broome, Calkins, Carney, Cook, Culpepper, Dayton, Finlayson, Henderson, Hilburn, Hudson, Malone, Massey, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Stokes, Williams, Wilson, Withers, Zim—24.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal of April 7 was dispensed with.

The Journal of April 7 was corrected and approved.

Mr. Wilson moved that the Journals of April 4, 5 and 6 be approved as corrected.

Which was agreed to.